



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,513	10/16/2003	William S. Lerner		5233

7590 09/20/2004

Steven Horowitz  
Counselor At Law  
Suite 700  
295 Madison Avenue  
New York, NY 10017

EXAMINER

PAIK, SANG YEOP

ART UNIT	PAPER NUMBER
----------	--------------

3742

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/687,513

Applicant(s)

LERNER, WILLIAM S.

Examiner

Sang Y Paik

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/17/04; 4/01/04; 3/31/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the indicator device in claim 9, 21, 33 and 45 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3742

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirby (US 6,057,529) in view of Goessler et al (US 5,103,077) or Scheidler et al (US 5,809,680), and Kicherer et al (US 5,900,175).

Kirby shows a stove with a plurality of heating elements with a controller (31, 36) provided on the top surface of the stove with a heating sensor such as a heat sensing rod (51) for monitoring the heating element temperature, a warning light in electric communication with the electric power and to activate it when a hot surface is detected via the heat sensor. Kirby also shows a switch for turning the warning light on and off. However, Kirby does not show a plurality of light emitting diodes to represent a warning symbol.

Goessler et al shows a plurality of light lamps, which surrounds the heating element, representing the warning symbol, to indicate the status of the hot cooking surfaces. Scheidler et al also shows a plurality of light lamps forming a warning symbol, indicating the hot cooking surface. Scheider et al also includes the letters "HOT" as a part of the warning symbol.

Kicherer et al shows a hot surface warning lamps including light emitting diodes (LEDs).

In view of Goessler et al or Scheidler et al, and Kichere et al, it would have been obvious to one of ordinary skill in the art to adapt Kirby with the plurality of lamps such as light emitting diodes to more aesthetically represent the hot cooking surface to warn the user.

With respect to the claimed arrangements of the light emitting diodes and the letter "HOT", it would have been obvious to one of arranged the plurality of diodes and the letters

Art Unit: 3742

“HOT” in any arrangements including the claimed arrangements to more diversely display the warning symbols for the aesthetic and cost purposes to effectively display such warning symbols.

4. Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirby in view of Goessler et al, Scheidler et al, and Kicherer et al, as applied to claims 1-8 and 13-20 above, and further in view of Brouwer et al (US 4,068,216) or Tanaka et al (US 6,225,912).

Kirby in view of Goessler et al, Scheidler et al, and Kicherer et al, shows the method claimed except installing an indicator to notify the user whether the LEDs function to illuminate.

Brouwer et al shows an indicator to indicate a burned or defective bulb. Tanaka et al also shows the means to detect and indicate faulty LEDs.

In view of Brouwer et al or Tanaka et al, it would have been obvious to one of ordinary skill in the art to adapt Kirby, as modified by Goessler et al, Scheidler et al, and Kicherer et al, with the means to detect and indicate the faulty lamps including LEDs so that the user can conveniently replace such lamps or LEDs.

5. Claims 10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirby in view of Goessler et al ‘077, Scheidler et al, and Kicherer et al, as applied to claims 1-8 and 13-20 above, and further in view of Goessler et al (US 5,013,893).

Kirby in view of Goessler et al ‘077, Scheidler et al, and Kicherer et al, shows the method claimed except the degree of the brightness of the LEDs being controlled by the user.

Goessler et al ‘893 shows that the intensity of the light source including a lamp, indicating a hot cooking surface, is controlled with a switch.

In view of Goessler et al ‘893, it would have been obvious to one of ordinary skill in the art to adapt Kirby, as modified by Goessler et al ‘077, Scheidler et al, and Kicherer et al, with the

Art Unit: 3742

controller or switch to control the intensity of the light source including lamps and LEDs to meet the user's desire to meet the aesthetically pleasing appearance.

6. Claims 11, 12, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirby in view of Goessler et al, Scheidler et al, and Kicherer et al, as applied to claims 1-8 and 13-20 above, and further in view of Nashawaty (US 4,446,455) or Veitch (US 4,690,569).

Kirby in view of Goessler et al, Scheidler et al, and Kicherer et al, shows the method claimed except the sound producing component.

Nashawaty shows an alarm system that activates a sound alarm with a visual lamp. Veitch shows a warning system that activates a sound system as well as the blinking of lamp to indicate the status of an operating condition.

In view of Nashawaty or Veitch, it would have been obvious to adapt Kirby, as modified by Goessler et al, Scheidler et al, and Kicherer et al, with the sound alarm along with the visual lamp that blinks to more effectively forewarn the user regarding the status of the cooking device including the hot cooking surfaces.

7. Claims 25-32 and 37- 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirby in view of Goessler et al, Scheidler et al, and Kicherer et al, as applied to claims 1-8 and 13-20 above, and further in view of Jacob (US 6,514,075) or Tiao et al (US 6,412,953).

Kirby in view of Goessler et al, Scheidler et al, and Kicherer et al, shows the method claimed except the organic light emitting diodes.

Jacob and Tiao et al shows that it is well known in the art that the conventional light emitting diodes (LEDs) or fluorescent lamps as well as the organic light emitting diodes (OLEDs) can be alternatively used in place of the other.

Art Unit: 3742

In view of Jacob or Tiao et al, it would have been obvious to one of ordinary skill in the art to adapt Kirby, as modified by Goessler et al, Scheidler et al, and Kicherer et al, with the organic light emitting diodes in place of the conventional LEDS since such light sources are known to be exchangeable and alternatively used.

8. Claims 33 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirby in view of Goessler et al, Scheidler et al, Kicherer et al, and Jacob or Tiao et al, as applied to claims 25-32 and 37- 44 above, and further in view of Brouwer et al (US 4,068,216) or Tanaka et al (US 6,225,912).

Kirby in view of Goessler et al, Scheidler et al, Kicherer et al, and Jacob or Tiao et al, shows the method claimed except installing an indicator to notify the user whether the LEDs function to illuminate.

Brouwer et al shows an indicator to indicate a burned or defective bulb. Tanaka et al also shows the means to detect and indicate faulty LEDs.

In view of Brouwer et al or Tanaka et al, it would have been obvious to one of ordinary skill in the art to adapt Kirby, as modified by Goessler et al, Scheidler et al, Kicherer et al, and Jacob or Tiao et al, with the means to detect and indicate the faulty lamps including LEDs so that the user can conveniently replace such lamps or LEDs.

9. Claims 34 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirby in view of Goessler et al '007, Scheidler et al, Kicherer et al, and Jacob or Tiao et al, as applied to claims 25-32 and 37- 44 above, and further in view of Goessler et al (US 5,013,893).

Art Unit: 3742

Kirby in view of Goessler et al '007, Scheidler et al, Kicherer et al, and Jacob or Tiao et al, shows the method claimed except the degree of the brightness of the LEDs being controlled by the user.

Goessler et al '893 shows that the intensity of the light source including a lamp, indicating a hot cooking surface, is controlled with a switch.

In view of Goessler et al '893, it would have been obvious to one of ordinary skill in the art to adapt Kirby, as modified by Goessler et al '007, Scheidler et al, Kicherer et al, and Jacob or Tiao et al, with the controller or switch to control the intensity of the light source including lamps and LEDs to meet the user's desire to meet the aesthetically pleasing appearance.

10. Claims 35, 36, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirby in view of Goessler et al, Scheidler et al, Kicherer et al, and Jacob or Tiao et al, as applied to claims 25-32 and 37- 44 above, and further in view of Nashawaty (US 4,446,455) or Veitch (US 4,690,569).

Kirby in view of Goessler et al, Scheidler et al, Kicherer et al, and Jacob or Tiao et al, shows the method claimed except the sound producing component.

Nashawaty shows an alarm system that activates a sound alarm with a visual lamp. Veitch shows a warning system that activates a sound system as well as the blinking of lamp to indicate the status of an operating condition.

In view of Nashawaty or Veitch, it would have been obvious to adapt Kirby, as modified by Goessler et al, Scheidler et al, Kicherer et al, and Jacob or Tiao et al, with the sound alarm along with the visual lamp that blinks to more effectively forewarn the user regarding the status of the cooking device including the hot cooking surfaces.



Art Unit: 3742

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y Paik whose telephone number is 703-308-1147. The examiner can normally be reached on M-F (9:00-4:00) First Friday Off.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

S. R.

Sang Y Paik  
Primary Examiner  
Art Unit 3742

syp